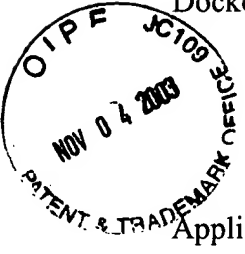


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2858

Docket No. CHMP-102D



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|              |                            |   |                                       |
|--------------|----------------------------|---|---------------------------------------|
| Applicants:  | Kenneth A. Pieroni et al.  | ) |                                       |
|              |                            | ) |                                       |
| Serial No.:  | 09/939,405                 | ) | Examining Attorney: Charles D. Garber |
|              |                            | ) |                                       |
| Filing Date: | August 27, 2003            | ) |                                       |
|              |                            | ) | Group Art Unit: 2856 ✓                |
| For:         | SMOKE AND CLEAN AIR        | ) |                                       |
|              | GENERATING MACHINE FOR     | ) |                                       |
|              | DETECTING THE PRESENCE     | ) |                                       |
|              | OF LEAKS IN A FLUID SYSTEM | ) |                                       |

COMMUNICATION

Box: No Fee Amendment  
Assistant Commissioner of Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

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Dear Sir:

In response to the Official Office Action dated September 26, 2003, the applicants in the above-identified patent application wish to make the following reply. The claims pending in this patent application continue to be Claims 19-28, inclusive. Claims 11-18 have been withdrawn from further consideration. No claims are added, cancelled or amended.

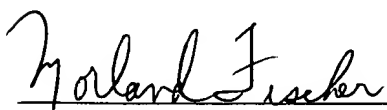
Claims 19, 21 and 25-28 are rejected under 35 U.S.C. 103 as being unpatentable over the patent to Harris (6,327,898). Claim 22 is rejected under 35 U.S.C. 103 as being unpatentable over the aforementioned patent to Harris in view of the patent to Malcosky et al (4,551,154). Claim 23 is rejected under 35 U.S.C. 103 as being unpatentable over the aforementioned patent

to Harris in view of the patent to Davis (2,698,222). Claim 24 is rejected under 35 U.S.C. 103 as being unpatentable over the aforementioned patent to Harris in view of the aforementioned patent to Davis in further view of the patent to Dowty (2,251,239). These rejections are traversed as a matter of law.

The Examiner is reminded that this application is a division of original Application No. 09/348,320 filed July 7, 1999. In this regard, the principal citation to Harris (6,327,898) did not issue until December 11, 2001. Inasmuch as the issue date of Harris is long after the effective filing date to which the applicants are entitled herein, it is submitted that the patent to Harris is not a proper 35 U.S.C. 103 reference against any of the pending claims and, consequently, must be withdrawn. Without the teachings of Harris on which to rely, it is further submitted that the aforementioned rejections should also be withdrawn. Accordingly, it is believed that each of original Claims 19-28, which remains pending herein, recites an invention that is patentable over all of the remaining patents that have been cited in the Office Action.

In view of the foregoing, this application is believed to be in condition for allowance and, therefore, a Notice of Allowance is earnestly solicited.

Respectfully submitted,



Morland C. Fischer  
Attorney for the Applicant  
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Irvine, CA 92614  
(949) 476-0600 (telephone)  
(949) 476-0606 (facsimile)

Dated: October 30, 2003



**CERTIFICATE OF MAILING**

I, Christine Dayeh Ohannessian, do hereby certify that the foregoing documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop: No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on this date of October 30, 2003.

Name Printed: Christine Dayeh Ohannessian

Signature: Christine Dayeh Ohannessian

Date of Deposit: October 30, 2003

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